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SENATE BILL 183

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Linda M Lopez

AN ACT

RELATING TO PHARMACEUTICAL DRUGS; AMENDING MEDICAID PHARMACY REIMBURSEMENT; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 27-2-16 NMSA 1978 (being Laws 1974, Chapter 31, Section 1, as amended) is amended to read:

"27-2-16. COMPLIANCE WITH FEDERAL LAW. --

A. Subject to the availability of state funds, the human services department may provide assistance to aged, blind or disabled individuals in the amounts consistent with federal law to enable the state to be eligible for medicaid funding. Individuals shall be determined to be aged, blind or disabled according to regulations of the human services department.

B. ~~[If drug product selection is permitted by Section 26-3-3 NMSA 1978, reimbursement by the medicaid program~~

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1 ~~shall be limited to the wholesale cost of the lesser expensive~~  
2 ~~therapeutic equivalent drug generally available in New Mexico~~  
3 ~~plus a reasonable dispensing fee of at least three dollars~~  
4 ~~sixty-five cents (\$3.65).]~~ Reimbursement by the human services  
5 department to pharmaceutical providers participating in the  
6 medicaid fee-for-service program shall be determined by the  
7 human services department as provided by applicable state and  
8 federal law, including regulations adopted by the human  
9 services department. Reimbursement by organizations with a  
10 contract with the human services department to provide medicaid  
11 services to their respective pharmaceutical providers shall be  
12 determined by negotiation between such organizations and such  
13 providers, or their representatives. "

14 Section 2. EMERGENCY.--It is necessary for the public  
15 peace, health and safety that this act take effect immediately.

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